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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,051	04/26/2001	Masahiko Miyamoto	03409.0066	6514

7590 02/12/2002

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT	PAPER NUMBER
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3711

2

DATE MAILED: 02/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,051

Applicant(s)

MIYAMOTO, MASAHIKO

Examiner

Sebastiano Passaniti

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Office action is responsive to communication received 04/26/2001 - application papers filed.

Claims 1-6 are pending.

Following is an action on the MERITS:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Werner in view of Masghati. Werner shows the underlying theme of applicant's claimed invention and includes a wood-type club head having a face divided into upper and lower portions, with the roll radius of the upper portion being less than the roll radius of the lower portion. Reference is made to Figure 8 in Werner and the discussion in column 9, lines 31-51, wherein Werner details that the lower part of the face defines a flattened portion (34), while the upper portion is defined by a curvature (roll). As a matter of simply referencing the manner in which Werner is most closely related to applicant's claimed invention, note that impact point (32) in the Werner patent would appear to correlate to point "SS" shown in applicant's Figure 1. Note, the fact that the lower face portion in Werner includes a flattened face meets the applicant's claimed limitation of a roll radius for the lower portion of 310 mm or more (claim 1) and the applicant's further recitation of a plane surface (2). Werner differs from the claimed

Art Unit: 3711

invention in that Werner does not show the precise, claimed radii for the face, specifically a roll radius of between 152 and 305 mm for the upper portion. The secondary reference to Masghati highlights that a roll radius of at least 9 ½ inches and as much as 16 inches is known to have been contemplated in the prior art clubfaces, noting that an increase in the radius of curvature of the roll tends to flatten the roll somewhat, but results in a more nearly uniform loft angle from the top to the bottom of the club. See column 2, lines 44-49 along with column 4, line 55 through column 5, line 10 and Figures 10 and 12 in Masghati. In view of the patent to Masghati, it would have been obvious to modify the device in the cited art reference to Werner by incorporating a roll radius of between 152 and 305 mm for the upper portion, the motivation being to desirably affect the trajectory of a struck ball. Further, the claimed, dimensional limitations are not deemed critical. Insofar as the claimed requirements that the club head include a hollow, metallic structure, note that Werner suggests, for example, that the club in Figure 7 is modeled after what is typically known as a “wood” and is more commonly made of metal (column 4, lines 56-57). Moreover, the teaching reference to Masghati obviates the use of hollow, metallic shell structure for the club head by noting that the use of “wood” and “wood-type” are not literally restricting, but may incorporate club heads shaped like traditional wooden club heads and alternatively made of metal, plastic and other materials (column 6, lines 53-57).

Art Unit: 3711

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schmidt ('878) details roll and curvature in a wood-type club head that may be fabricated from a hollow, metallic shell. Barr shows a putter having a curved face in both vertical and horizontal directions. Mikame discloses a roll radius of between 7 and 9 inches. See Figures 2a, 2b, and 2c in Chou. The patent to Sneed shows a roll radius (R2) of interest and discusses the benefit of an increase in the roll radius in column 5, line 54 to column 6, line 3. Typically, a roll radius of 7 inches has been found by Sneed to be desirable, although Sneed recognizes that other values may likewise be beneficial. See Figure 2 in Viollaz ('986). Note Figure 6a in Garcia. Viollaz show a face curvature of interest in a metallic wood-type club head. Observe Figure 4 in Saso. Hinckley notes that the curvature of the face may be selected to impart a specific amount of "lift" to a struck ball. See Figure 1 in Thomson. Note column 2, lines 40-52 in Schmidt ('022).

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Receipt is acknowledged of formal drawings submitted 04/26/2001.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for

Art Unit: 3711

the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
February 6, 2002